

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS

Case No. 23-40709-CJP

Chapter 7

In re:

WESTBOROUGH SPE LLC

TOWN OF WESTBOROUGH'S
RESPONSE TO TRUSTEE'S MOTION
TO CONTINUE EVIDENTIARY
HEARING

The Town of Westborough ("Town"), listed in the Debtor's Matrix List of Creditors (Doc. No. 7) in the above-captioned action, hereby responds to the Expedited Motion to Reschedule Evidentiary Scheduled for September 17, 2024 and Extend Deadline to Submit Appraisal (Doc. No. 319) filed by the Chapter 7 Trustee ("Trustee") in this matter.

With all due respect to the Trustee, the Town believes that the evidence currently before the Court—including the Declaration of Jonathan Steinberg, the Town's Chief Assessor, filed earlier today (Doc. No. 323)—is sufficient for the Court to grant the Trustee's motion for settlement approval, as that evidence sufficiently reflects the value of the real property located at 231 Turnpike Road, Westborough, Massachusetts (the "Property") and its correlation to the settlement agreement. As such, there is no need to continue the evidentiary hearing, whether for an appraisal or otherwise. If, at the conclusion of the evidentiary hearing, the Court believes that an appraisal is necessary and orders one to be conducted, the Town would then provide the Trustee with access to the Property (title to which, at present, is vested in the Town).¹

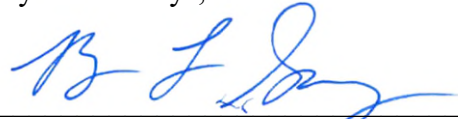
¹ Due to the state of the Property, the Town has been required to incur expenses to board and secure the Property. Allowing access to the Property requires the Town to incur additional expenses, both to remove the existing boarding and then to replace it after the access. As such, the Town respectfully requests that if the Court orders an appraisal, whether before or during the evidentiary hearing, the Town be reimbursed for such expenses. Additionally, the Town has been requiring anyone accessing the Property to wear protective equipment, be escorted by a member of the Town's Fire Department, and sign a waiver. The Town would require these conditions for anyone accessing the Property to conduct an appraisal.

Additionally, further postponement of the proceedings on the Trustee's motion for settlement approval is prejudicial to the Town. The Town continues to incur expenses for securing, maintaining, and insuring the Property, but the amount that the Town is set to receive under the Settlement Agreement is fixed. The Town executed the Settlement Agreement nearly four months ago and believes that the Trustee's motion for settlement is adequately supported and should be granted as soon as possible.

Respectfully submitted,

TOWN OF WESTBOROUGH,

By its attorneys,

A handwritten signature in blue ink, appearing to read "B. W. Riley", is written over a horizontal line.

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Dated: September 11, 2024

939992/WBOR/0049

CERTIFICATE OF SERVICE

I, Roger L. Smerage, hereby certify that on the below date, I caused a copy of the foregoing Response to be served through the Court's CM/ECF system to the following counsel of record or by U.S. mail to the following unregistered parties:

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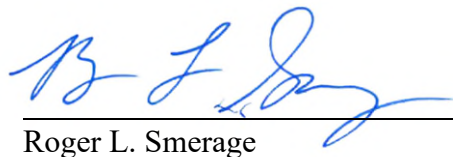
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Dated: September 11, 2024


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